

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32168 of 2021

Arising Out of PS. Case No.-242 Year-2019 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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1. Mohan Singh S/O Fakira Singh Resident Of Village - Mangrar, P.S. - Laxmipur, District - Jamui.
 2. Rajeev Kumar S/O Mohan Singh Resident Of Village - Mangrar, P.S. - Laxmipur, District - Jamui.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Raman Bharti S/O Sri Krishna Kumar Rai Resident of Ward No. 12, Hararkh, P.S. - Town (Begusarai), District - Begusarai.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rajesh Kumar Sinha, Advocate
For the State	:	Mr. Addl Public Prosecutor
for the complainant	:	Mr. Rahul Rathore, Advocate

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 06-09-2022 Heard learned counsel for the petitioners, the informant and the State.

Petitioners apprehend arrest in a case registered for offence punishable under sections 420/406 of the Indian Penal Code.

As per the prosecution case, complainant purchased a car worth Rs.5.11 lacs from the petitioners on the assurance that its ownership would be transferred within 15 days and when the ownership was not transferred by the petitioners within the said period, complainant enquired into the matter from the concerned RTO, and got information that petitioners have taken loan on the



vehicle in question so the ownership could not be transferred.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He submits that the petitioners never took car loan from the bank and petitioner no.1 had deposited Rs.11 lacs in the Indian bank which was fraudulently disbursed with the connivance of the bank staff showing loan in his name. Petitioner no.2 is son of petitioner no.1 and there is no allegation against him.

Learned counsel appearing for the State as well as the informant oppose the prayer for bail. They submit that there is specific allegation against petitioners that though they received price of the car but sold out hypothecated car to the complainant due to which ownership of the vehicle could not be transferred in favour of the later. He submits that the Indian Bank has also lodged a case under sections 420/406 of the IPC in which prayer for pre-arrest bail of petitioner no.2 has been rejected (Annexure A to the counter affidavit). He further submits that process under section 82/83 Cr.P.C. has also been issued against the petitioners.

In view of the nature and gravity of allegation, prayer for bail of the petitioners is refused with direction to surrender



and seek regular bail which would be considered and disposed
of on its own merit without prejudice.

(Prabhat Kumar Singh, J)

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